


IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

In Re Reissue Application of: )  
 )  
Lowell R. Tully et al. )  
 )  
U.S. Patent No. 5,858,142 )  
 )  
Issued: January 12, 1999 )  
 )  
For: ANGULAR ORIENTATION )  
CONTROL SYSTEM FOR )  
FRICTION WELDING )  
 )  
Filed: Herewith )  
 )  
Probable Group Art Unit: 1734 )  
 )  
Probable Examiner: Sells, James )  
 )

"EXPRESS MAIL" mailing label No.  
**EL564457959US**

I hereby certify that this paper and all documents referred to therein as being enclosed are being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. §1.10 addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

January 12, 2001

  
Laura Frasher

**REISSUE DECLARATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. We (Lowell R. Tully, Dave Konieczny, Stephen A. Johnson and Stephen R. Estes), as named joint inventors, hereby declare that our residence, post office addresses and citizenship are as stated below after our names. We believe we are the original, first and joint inventors of the subject matter which is described and claimed in U.S. Patent No. 5,858,142 (hereinafter "the '142 patent"), issued on January 12, 1999, and for which invention we now solicit a broadening reissue patent.

2. We have assigned the entire right, title and interest in and to the '142 patent to Intertia Friction Welding, Inc. in an assignment recorded in the U.S. Patent and Trademark Office on December 9, 1997, at Reel 9222, Frame 0508 and believe that we have the

right to make this declaration in accordance with 37 CFR §1.172(a) inasmuch as the referenced accompanying reissue application seeks to enlarge the scope of the claims of the '142 patent.

3. We hereby state that we have reviewed and understand the contents of the '142 patent, including the claims.

4. We believe the '142 patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '142 patent. We claimed less than we had a right to claim because claim 1 represents the only independent claim in the '142 patent and contains the limitation "moving said holder toward said spindle." This limitation may be construed to limit the invention to a method that moves the holder towards the non-rotatable holder, which is not representative of the invention disclosed by us in the application. The invention described in the application includes friction welding two pieces together by bringing them together in any manner, whether the pieces are brought together by moving one piece, the other piece, or both pieces.

5. We believe the '142 patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '142 patent. We claimed less than we had a right to claim because claim 1 is a method claim and represents the only independent claim in the '142 patent. Applicants' invention includes more than the methods for friction welding using the apparatus described in the specification, it includes the apparatus itself.

6. The error in claiming less than we had a right to claim arose without any deceptive intention on our part. The application that matured into the '142 patent was filed on December 9, 1997. The error occurred because at the time that the '142 patent was prepared, prosecuted and ultimately issued, we did not have a complete understanding of the scope and meaning of language contained in patent claims.

7. We acknowledge a duty to disclose information of which we are aware and which is material to the examination of this reissue application in accordance with 37 CFR §1.56(a).

8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this reissue application or any reissue patent issued thereon.

Full Name of First Joint Inventor: Lowell R. Tully

First Inventor's Signature: \_\_\_\_\_

*Lowell R. Tully*

Date: 01-11-01

Country of Citizenship: United States of America

Residence and Post Office Address: 30425 North Shore Drive  
Elkhart, Indiana 46514

Full Name of Second Joint Inventor: Stephen A. Johnson

Second Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Country of Citizenship: United States of America

Residence and Post Office Address: 16495 W. Madison  
South Bend, Indiana 46614

Full Name of Third Joint Inventor: Dave Konieczny

Third Inventor's Signature: \_\_\_\_\_

*Dave Konieczny*

Date: 1-10-2001

Country of Citizenship: United States of America

Residence and Post Office Address: 2227 W. 950 South  
Union Mills, Indiana 46382

Full Name of Fourth Joint Inventor: Stephen R. Estes

Fourth Inventor's Signature: \_\_\_\_\_

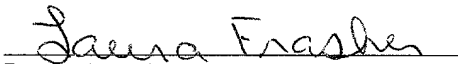
*Stephen R. Estes*

Date: 1-10-2001

Country of Citizenship: United States of America

Residence and Post Office Address: 25728 State Road 23  
South Bend, Indiana 46614

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Reissue Application of:	)	"EXPRESS MAIL" mailing label No.
	)	<b>EL564457959US</b>
Lowell R. Tully et al.	)	
	)	I hereby certify that this paper and all
Patent No: 5,858,142	)	documents referred to therein as being
	)	enclosed are being deposited with the
Issued: January 12, 1999	)	United States Postal Service "EXPRESS
	)	MAIL POST OFFICE TO
Title: ANGULAR ORIENTATION	)	ADDRESSEE" service under 37 C.F.R.
CONTROL SYSTEM FOR FRICTION	)	§1.10 addressed to: Assistant
WELDING	)	Commissioner for Patents, Washington,
	)	D.C. 20231 on this date:
Filed: Herewith	)	
	)	January 12, 2001
Probable Group Art Unit: 1734	)	
	)	
Probable Examiner: Sells, James	)	
	)	Laura Frasher

**POWER OF ATTORNEY AND  
REVOCATION OF PRIOR POWERS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Inertia Friction Welding, Inc., assignee of the entire right, title and interest in and to U.S. Patent No. 5,858,142, issued January 12, 1999, pursuant to an assignment recorded in the U.S. Patent and Trademark Office on December 9, 1997, at Reel 9222, Frame 0508, hereby revokes all previous powers of attorney and appoints the following attorneys to transact all business concerning U.S. Patent No. 5,858,142 and to prosecute the referenced accompanying application for reissue thereof:

Allen H. Gerstein (22,218)	Patrick D. Ertel (26,877)	Jeffrey S. Sharp (31,879)	David W. Clough (36,107)
Nate F. Scarpelli (22,320)	James F. Zeller (28,491)	Martin J. Hirsch (32,237)	Anthony G. Sitko (36,278)
Edward M. O'Toole (22,477)	William E. McCracken (30,195)	James J. Napoli (32,361)	James A. Flight (37,622)
Michael F. Borun (25,447)	Richard A. Schmitt (30,890)	Richard M. La Barge (32,254)	Roger A. Heppermann (37,641)
Trevor B. Jolke (25,542)	Anthony Nimmo (30,920)	Li-Hsien Kin-Laures, M.D. (33,547)	David A. Gass (38,153)
Carl E. Moore, Jr. (26,487)	Christine A. Dudzik (31,245)	Douglas C. Hochstetler (33,710)	Gregory C. Mayst (38,238)
Richard H. Anderson (26,526)	Kevin D. Hogg (31,839)	Robert M. Gerstein (34,824)	Michael R. Weiner (38,359)
			William K. Merkel (40,725)
			David C. Read (39,811)

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312/474-6300 (Telephone)  
312/474-0448 (Facsimile)

Inertia Friction Welding, Inc.

By:   
Lowell R. Tully  
President

Dated: 01-11-01

Chicago, Illinois

## ASSIGNMENT

WHEREAS, we, Lowell R. Tully, a resident of Elkhart, Indiana; Stephen A. Johnson, a resident of South Bend, Indiana; Dave Konieczny, a resident of Union Mills, Indiana; and Stephen R. Estes, a resident of South Bend, Indiana have invented certain new and useful improvements in ANGULAR ORIENTATION CONTROL SYSTEM FOR FRICTION WELDING MACHINES as fully set forth and described in our application for United States Letters, executed 12-5-97; and

WHEREAS, Inertia Friction Welding Inc. a corporation of the State of Indiana of South Bend, Indiana is desirous of acquiring our entire right, title and interest in and to the said invention, and in and to Letters Patent of the United States and of any and all foreign countries which may issue therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we have assigned, sold and transferred and do hereby assign, sell and transfer unto said Inertia Friction Welding Inc. all of our right, title and interest in and to the aforesaid invention and in and to said provisional application, any other United States Patent Application based thereon, and any Letters Patent of the United States and of any and all foreign countries which may issue therefor, including all Letters Patent issuing upon any continuation, division, renewal or revival of the aforesaid patent and any reissue patent for the aforesaid invention, the same to be held and enjoyed by said Inertia Friction Welding Inc. for its own use and behoof, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

We hereby promise and agree, upon request, to execute all papers and all assignments necessary for the procurement of the United States and foreign Letters Patent and all assignments necessary to convey the legal title thereof to said Inertia Friction Welding Inc. and we hereby further promise and agree to perform all rightful acts that may be necessary and permissible in any interference proceeding or legal action in which said invention, patent applications or Letters Patent may become involved, for the purpose of proving the facts relating to our conception, development and completion of the aforesaid invention.

Dated: 12-5-97

Lowell R. Tully  
Lowell R. Tully

STATE OF Cal )

SS:

COUNTY OF St. Joseph )

Before me the undersigned, a Notary Public in and for St. Joseph County, State of Cal, personally appeared Lowell R. Tully and acknowledged the execution of the foregoing instrument this 5 day of Dec 1997.

My Commission Expires

Thomas A. Johnson  
Notary Public

St. Joseph  
County of Residence

Printed Name of Notary

Dated: 12-5-97

Stephen A. Johnson  
Stephen A. Johnson

STATE OF Cal )

SS:

COUNTY OF St. Joseph )

Before me the undersigned, a Notary Public in and for St. Joseph County, State of Cal, personally appeared Stephen A. Johnson and acknowledged the execution of the foregoing instrument this 5 day of Dec 1997.

My Commission Expires

Thomas A. Johnson  
Notary Public

St. Joseph  
County of Residence

Printed Name of Notary



Dated: 12/5/97

Dave Konieczny  
Dave Konieczny

STATE OF Ind )

COUNTY OF St Joseph )

SS:

Before me the undersigned, a Notary Public in and for St Joseph County, State of Ind, personally appeared Dave Konieczny and acknowledged the execution of the foregoing instrument this 5 day of Dec 1997.

VERONICA S. SCHMIDT, Notary Public  
My Commission Expires

St Joseph  
County of Residence

Thomas Schmidt  
Notary Public

Thomas Schmidt  
Printed Name of Notary

Dated: 12/5/97

Steven R. Estes  
Steven R. Estes

STATE OF Ind )

COUNTY OF St Joseph )

SS:

Before me the undersigned, a Notary Public in and for St Joseph County, State of Ind, personally appeared Steven R. Estes and acknowledged the execution of the foregoing instrument this 5 day of Dec 1997.

VERONICA S. SCHMIDT, Notary Public  
A Resident of St. Joseph, Indiana  
My Commission Expires 12/31/99  
My Commission Expires

St Joseph  
County of Residence

Thomas Schmidt  
Notary Public

VERONICA S. SCHMIDT, Notary Public  
A Resident of St. Joseph, Indiana  
My Commission Expires 12/31/99  
Printed Name of Notary